



Client Ref. No. 01-404(009538)
Attorney Dkt. No. 7784-000328

2-18-04
Mly

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Niesen, Joseph W. :
Serial No.: 10/042,585 : Art Unit: 2665
Filed: January 9, 2002 : Examiner: Justin M. Philpott
For: Adaptable Forward Link Data
Rates In Communications
Systems For Mobile Platforms

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R. §1.131

Sir:

I hereby declare under penalty of perjury as follows:

1. That I am an inventor who, on January 9, 2002, filed the above-identified application.
2. That I conceived and began reducing my invention to practice in this country prior to July 16, 2001, the filing date of the United States Patent Application Serial No. 09/906,171 to Vanderaar et al., as evidenced by the documentation regarding the invention attached hereto as Exhibit A. This document was created prior to July 16, 2001.
3. That each of the dates deleted or otherwise blacked out from Exhibit A are prior to July 16, 2001.

Serial No. 10/042,585

EV 298496785 US

4. That my invention was constructively reduced to practice on at least as early as June 13, 2001, as evidenced by the invention disclosure and the drawings of my invention attached hereto as Exhibit B.

5. That I have never abandoned, suppressed or concealed my invention.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Dated: 01-30-04

Joseph W. Niesen
Joseph W. Niesen